

Attorney Docket No. IN-12148

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Raymond Neff et al.  
SERIAL NO.: 10/606,825  
FILED: June 26, 2003  
EXAMINER: Cooney, John M.  
GROUP NO.: 1711  
FOR: Viscoelastic Polyurethane Foam

TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING  
REJECTION OVER A PENDING "REFERENCE" APPLICATION

Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The owner, BASF Corporation, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending **reference** Application Number 10/916,241, filed on August 11, 2004, and pending **reference** Application Number 10/607,555, filed on June 26, 2003, as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said **reference** application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending **reference** application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the **reference** application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim any terminal part of any patent granted on the instant application that would extend to the expiration date of the full

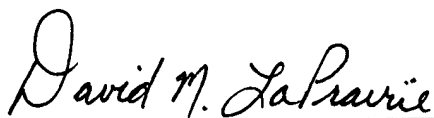
statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on said **reference** application, "as the term of any patent granted on said **reference** application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending **reference** application," in the event that: any such patent: granted on the pending **reference** application: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

I hereby declare that all statements made herein of my own knowledge are true and that all statement made on information and beliefs are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, and that such willful false statements may jeopardize the validity of the application of any patent issued thereon. The undersigned is the attorney of record.

Enclosed is a check in the amount of \$130.00 to cover the Terminal Disclaimer fee. However, the Commissioner is authorized to charge any additional fees or credit any overpayments to our deposit account no. 08-2789.

Respectfully submitted,

**HOWARD & HOWARD ATTORNEYS, P.C.**



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